
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

March 16, 2021

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held via ZOOM live stream at 7:00 P.M.

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Leslie Parikh, Attorney

Absent: Mayor Higgins and Councilman Heinrich

Deputy Mayor Conry led everyone in the flag salute.

Deputy Mayor Conry read the following statement into record:

“The requirements of the Open Public Meetings Law, 1975, Chapter 231, have been satisfied in that adequate notice of this meeting has been published in the Express Times Warren County Edition and posted on the borough website and Facebook stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

Mel Thiel, BID Executive Director, reported that Frantoni store is relocating to the old Sherwin Williams Paint location which will be a permanent move.

April 1st is the annual business dinner at Hawke Point. Up to 80 tickets can be sold.

Manager Hall gave update on building collapse. Building is structurally sound and does not need to be torn down.

Fire Chief Dirk Higgins reported on the building collapse and what was noticed back in November and the failure of the building owner and the State to respond to inquiries. Chief Higgins thanked all those involved in assisting with the collapse. Gave thanks to Councilwoman Cox for helping in running the emergency shelter for those who went to the municipal building.

Hearing no further public comment, motion made by Duchemin and seconded by Cox to close the public portion, all were in favor.

MINUTES

Motion made by Noone and seconded by Duchemin to approve the following minutes.

February 16, 2021

Roll Call: Conry, Cox, Duchemin, Noone and Norris
Ayes: 5 Nays: 0
Motion passes.

NEW BUSINESS

- Scenic Byway appointment

Councilwoman Noone explained her resignation from the County Scenic Byway Committee. Councilman Norris volunteered to take Councilwoman Noone's place.

Motion made by Cox and seconded by Noone to approve appointment of Norris to the Warren Heritage Scenic Byway Committee, all were in favor.

Land Use Board Appointments

Motion made by Duchemin and seconded by Cox to make the following appointments to Land Use Board:

Daryl Wright (Employee appointment-1 year)
Cynthia Valle (replaces Charles Post appointment)

Roll Call: Conry, Cox, Duchemin, Noone and Norris
Ayes: 5 Nays: 0
Motion passes.

Fireman's Application-William Schafer

Motion made by Cox and second by Norris to approve William Schafer's fireman application. All were in favor.

Motion

Motion made by Noone and seconded by Norris to support the Board of Commissioners resolution; all were in favor.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WARREN
RESOLUTION REQUESTING THE GOVERNOR AND COMMISSIONER OF HEALTH OF THE
STATE OF NEW JERSEY TO MAKE COVID-19 VACCINE AVAILABLE TO THE TEACHERS AND
STAFF OF WARREN COUNTY'S SCHOOLS

ORDINANCES 2nd reading

Motion made by Norris and seconded by Duchemin to open the public hearing for Ordinance 2021-02 all were in favor.

Hearing no public comment, motion made by Cox and seconded by Duchemin to close the public hearing, all were in favor.

Motion made by Norris and seconded by Conry to adopt Ordinance 2021-02

Roll Call: Conry, Cox, Duchemin, Noone and Norris.
Ayes: 5 Nays: 0
Motion passes.

**ORDINANCE 2021-02
Borough of Washington
Chapter 57 Stormwater Control**

Replace existing Chapter 57, Stormwater Management in entirety with Chapter 57, Stormwater Control as follows:

§ 57-1 Scope; purpose; applicability; fees.

§ 57-2 Definitions.

§ 57-3 Design & Performance Standards for Stormwater Management Measures.

§ 57-4 Stormwater Management Requirements for Major Development.

§ 57-5 Calculation of Stormwater Runoff & Groundwater Recharge.

§ 57-6 Sources for Technical Guidance.

§ 57-7 Solids & Floatable Materials Control Standards.

§ 57-8 Safety Standards for Stormwater Management Basins.

§ 57-9 Requirements for a Site Development Stormwater Plan.

§ 57-10 Maintenance & Repair.

§ 57-11 Variances from Design & Performance Standards.

§ 57-12 Penalties.

§ 57-13 Severability.

§ 57-14 Effective Date.

§ 57-1 Scope; purpose; applicability; fees.

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management

strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §57-2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Washington Borough.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

E. Review and inspection fees.

(1) Review fees.

- (a) When stormwater management plans are required to be prepared and submitted for review and approval under this ordinance, and when such plans are submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq, then no additional and separate review fee shall be required. The costs for professional review of the stormwater management plan will be deducted from the review escrow account established for the development application in accordance with the applicable provisions of the Development Regulation.

- (b) A review fee of \$500 shall be paid to the Borough whenever:

[1] A stormwater management plan is required to be prepared and submitted for review and approval under this ordinance, and such plan is not submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

[2] A revised stormwater management plan is submitted for review and approval subsequent to the approval of a development application by the Land Use Board and when revisions to a previously approved stormwater management plan are necessitated by field conditions or other modifications to the development proposal.

(2) Inspection fees.

(a) When stormwater management improvements are constructed in conjunction with other site improvements associated with an approved major subdivision or site plan, then no additional and separate construction inspection escrow account shall be required.

(b) When stormwater management improvements are constructed in conjunction with a minor subdivision approval, or variance approval for which no site plan was required, then a construction inspection escrow account in the amount of \$500 shall be established with the Borough in the manner as provided in the Development Regulation and in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

§ 57-2 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Carbonate Rock Area” means an area where rock consisting chiefly of calcium and magnesium carbonates such as limestone and dolomite, has been identified.

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Current Deficit Area” means any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

“Highlands Open Waters” means all springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

“HUC 14” or “hydrologic unit code 14” means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Impervious surface – Highlands Preservation Area” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. To be considered an impervious surface, the structure, surface or improvement must have the effect of reducing or preventing stormwater absorption.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Karst” means a distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021.
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Maximum Extent Practicable” means designing stormwater management systems so that all reasonable opportunities for using non-structural stormwater practices are exhausted and a structural BMP is implemented only where absolutely necessary

“Mitigation” means an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autcycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain

vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §57-4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Non-Exempt Project” means any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Preservation Area” means lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b.)

“Prime Ground Water Recharge Area” means lands with the best ground water recharge rates within a HUC14 subwatershed, as indicated by GSR-32 analysis, that provide the top forty percent (40%) of the total recharge volume for the subwatershed.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Redevelopment” means land disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes but is not limited to: the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Regional Master Plan” means the Highlands regional master plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the 2, 10, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 57-3 Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§ 57-4 Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §57-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s

Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).

- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §57-4.P, Q and R:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §57-4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §57-4.O, P, Q and R to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of §57-4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §57-4.O, P, Q and R that were not achievable onsite.

- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §57-4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed

performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<u>Table 1</u>				
<u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality</u> <u>TSS Removal Rate</u>	<u>Stormwater Runoff</u> <u>Quantity</u>	<u>Groundwater</u> <u>Recharge</u>	<u>Minimum Separation from Seasonal High Water Table</u>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well^(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2^(e)</u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Manufactured Treatment Device^{(a) (g)}</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Bioretention Basin^(a)</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Infiltration Basin^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>

4. (Notes corresponding to annotations ^(a) through ^(g) are found on Page D-15)

5.

<p align="center"><u>Table 2</u></p> <p align="center"><u>Green Infrastructure BMPs for Stormwater Runoff Quantity</u></p> <p align="center"><u>(or for Groundwater Recharge and/or Stormwater Runoff Quantity)</u></p>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate</u>	<u>Stormwater Runoff</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

6. (Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

7.

8.

<u>Table 3</u>				
<u>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u>				
<u>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate</u>	<u>Stormwater Runoff</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(b)	50 or 80	No	No	Dependent upon the
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §57-4.0.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at §57-2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at §57-2.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §57-6.B. Alternative stormwater management measures may be used to satisfy the requirements at §57-4.O only if the measures meet the definition of green infrastructure at §57-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at §57-4.O.2 are subject to the contributory drainage area limitation specified at §57-4.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §57-4.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §57-4.D is granted from §57-4.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a

minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §57-8.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with **the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5** shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §57-8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §57-2 may be used only under the circumstances described at §57-4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at §57-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §57-4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §57-4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Warren County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §57-4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 57-10 .B.5. Prior to the commencement of construction, proof that the above required deed notice

has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §57-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded in the Office of the Warren County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at §57-4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §57-4.F. and/or an alternative stormwater management measure approved in accordance with §57-4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
<u>Dry Well</u>	<u>1 acre</u>
<u>Manufactured Treatment Device</u>	<u>2.5 acres</u>
<u>Pervious Pavement Systems</u>	<u>Area of additional inflow cannot exceed three times the area occupied by the BMP</u>
<u>Small-scale Bioretention Systems</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

3. To satisfy the stormwater runoff quantity standards at §57-4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §57-4.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §57-4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §57-4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §57-4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §57-4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §57-4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §57-5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - iii. For Non-Exempt Projects located in the Preservation Area and in a Current Deficit Area as identified in the Borough's Environmental Resource Inventory, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
 - iv. For Non-Exempt Projects located in the Preservation Area and in a Prime Ground Water Recharge Area as identified in the Borough's Environmental Resource Inventory, the following standards shall apply:

- a. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest groundwater recharge rates.
 - b. Where disturbance to the Prime Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
 - iii. Carbonate rock areas in the Preservation Area where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater (*Note: The mere presence of carbonate bedrock does not constitute a karst feature*).
5. Non-Exempt Projects that are subject to the enhanced recharge requirements by P.2.iii. or P.2.iv above, shall apply the following standards, either:
 - i. Recharge 125 percent of the percentage of the average annual preconstruction groundwater recharge volume for the site; or
 - ii. In addition to complying with the recharge requirements of section IV.P, retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDv),

defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the recharge requirement will not result in retention of the full SWQDv, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §57-4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §57-5, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 57-5 Calculation of Stormwater Runoff and Groundwater Recharge.

- A. Stormwater runoff shall be calculated in accordance with the following:
 1. The design engineer shall calculate runoff using one of the following methods:
 - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information

regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:
<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at §57-5.A.1.i and the Rational and Modified Rational Methods at §57-5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
 3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical*

Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§ 57-6 Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department’s website at:

https://www.njstormwater.org/maintenance_guidance.htm.

- B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§ 57-7 Solids and Floatable Materials Control Standards.

- A. Site design features identified under §57-4.F above, or alternative designs in accordance with §57-4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §57-7.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
 - iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 57-8 Safety Standards for Stormwater Management Basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §57-8.C.1, C.2 and C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 3. Stormwater management BMPs shall include escape provisions as follows:

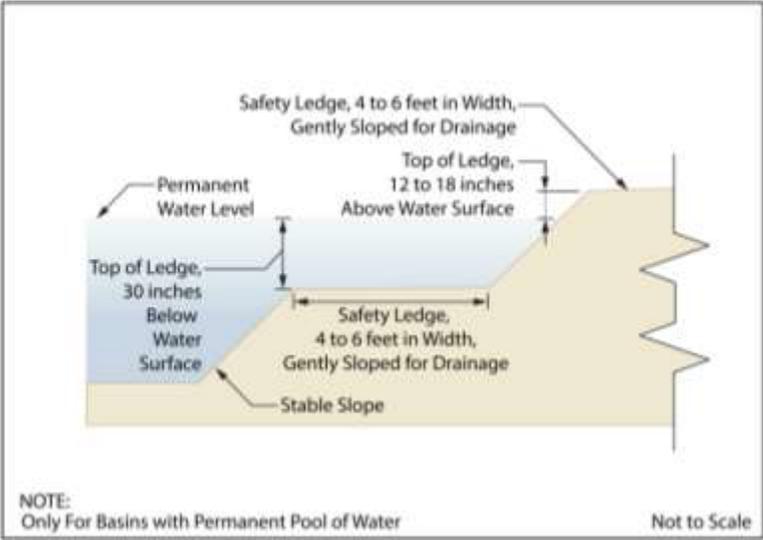
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to §57-8.C, a free-standing outlet structure may be exempted from this requirement;
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 57-9 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §57-9.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with §57-9.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent

structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §57-3 through §57-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §57-4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 57-10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §57-9.C.1 through 9.C.6 of this ordinance when it can be

demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 57-10 Maintenance and Repair.

A. Applicability

Projects subject to review as in §57-1.C of this ordinance shall comply with the requirements of §57-10. B and C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under §57-10 .B.3 above is not a public agency, the maintenance plan and any future revisions based on § 57-10 .B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under §57-10.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

- ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §57-10s.B.6 and B.7 above.
- 8. The requirements of § 57-10 .B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
- 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§ 57-11 Variances from Design and Performance Standards.

- A. The municipal review agency may grant variances from the design and performance standards in §57-4.O, P, Q and R as set forth in this stormwater control ordinance provided that the following conditions are met.
 - 1. The applicant demonstrates that it is technically impracticable to meet any one or more of the design and performance standards onsite. For the purposes of this analysis, technical impracticability exists only when the design and performance standard cannot be met for engineering, environmental, or safety reasons. The municipality's approval of a variance shall apply to an individual drainage area and design and performance standard and shall not apply to an entire site or project, unless an applicant provides the required analysis for each drainage area within the site and each design and performance standard.
 - 2. The applicant demonstrates that the proposed design achieves the maximum possible compliance with the design and performance standards on-site.

3. A mitigation project in accordance with the following is implemented.
 - i. The mitigation project may be a project which has been established by the Borough or may be a project proposed by the applicant, provided it meets the criteria in this ordinance.
 - ii. The mitigation project shall be approved no later than preliminary or final site plan approval of the major development.
 - iii. The mitigation project shall be located in the same HUC 14 as the area of the major development subject to the variance.
 - iv. The mitigation project shall be constructed prior to or concurrent with the major development.
 - v. The mitigation project shall comply with the green infrastructure standards in §57-4.O.
4. If the variance that resulted in the mitigation project being required is from the green infrastructure standards in §57-4.O, then the mitigation project must use green infrastructure BMPs in Table 5-1, and/or an alternative stormwater management measure approved in accordance with §57-4.G. that meets the definition of green infrastructure to manage an equivalent or greater area of impervious surface and an equivalent or greater area of motor vehicle surface as the area of the major development subject to the variance. Grass swales and vegetative filter strips may only be used in the mitigation project if the proposed project additionally includes a green infrastructure BMP other than a grass swale or vegetative filter strip. The green infrastructure used in the mitigation project must be sized to manage the water quality design storm, as defined at §57-4.Q.4 at a minimum and is subject to the applicable contributory drainage area limitations specified in §57-4.G or §57-4.O.2 as applicable.
5. A variance from the groundwater recharge standards in §57-4.P. may be granted if one of the following is met:
 - i. The average annual groundwater recharge provided by the mitigation project must equal or exceed the average annual groundwater recharge deficit resulting from granting the variance for the major development; or
 - ii. Runoff infiltrated during the two-year storm from the mitigation project must equal or exceed the deficit resulting from granting the variance from the required infiltration of the increase in runoff volume from pre-construction to post-construction from the major development.
6. A variance from the stormwater runoff quality standards at §57-4.Q. may be granted if the following are met:
 - i. The total drainage area of motor vehicle surface managed by the

mitigation project(s) must equal or exceed the drainage area of the area of the major development subject to the variance and must provide sufficient TSS removal to equal or exceed the deficit resulting from granting the variance for the major development; and

- ii. The mitigation project must remove nutrients to the maximum extent feasible in accordance with §57-4.Q.6.
7. A variance from the stormwater runoff quantity standards at §57-4.R. may be granted if the following are met:
- i. The applicant demonstrates, through hydrologic and hydraulic analysis, including the effects of the mitigation project, that the variance will not result in increased flooding damage below each point of discharge of the major development.
 - ii. The mitigation project discharges to the same watercourse and is located upstream of the major development subject to the variance.
 - iii. The mitigation project provides peak flow rate attenuation in accordance with §57-4.R.2.iii. for an equivalent or greater area than the area of the major development subject to the variance. For the purposes of this demonstration, equivalent includes both size of the area and percentage of impervious surface and/or motor vehicle surface.
8. The applicant shall be responsible for preventive and corrective maintenance (including replacement) of the mitigation project and shall be identified as such in the maintenance plan established in accordance with § 57-10. This responsibility is not transferable to any entity other than a public agency, in which case, a written agreement with that public agency must be submitted to the review agency.
9. Any approved variance shall be submitted by the municipal review agency to the county review agency and the Department by way of a written report describing the variance, as well as the required mitigation, within 30 days of the approval.

§ 57-12 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance, or do any act or thing prohibited, or refuse or fail to do any act or thing required to be done, or refuse or fail to comply with any order of the Engineer or Land Use Board made pursuant hereto, shall, upon conviction thereof, be subject for each violation to a penalty of not more than \$500 or imprisonment for not more than 90 days, or both. Whenever such person shall have been officially notified in writing by the Engineer or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuation of such violation shall be deemed a separate offense.

§ 57-13 Severability.

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

§ 57-14 Effective Date.

This ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

The following ordinance references to Chapter 57, Stormwater Control are amended as follows:

CHAPTER 44A – FLOOD DAMAGE

GENERAL REFERENCES

Stormwater ~~management~~ **Control** – See Ch. 57

CHAPTER 69 – SEDIMENTATION AND SOIL EROSION CONTROL

GENERAL REFERENCES

Stormwater ~~management~~ **Control** – See Ch. 57

§ 69-15 Integration of provisions.

This chapter shall be deemed a supplement to any and all provisions of this Code relating to land use and land use development, including but not limited to the provisions of Chapter [57](#), Stormwater ~~Management~~ **Control**; Chapter [73](#), Soil Removal; and Chapter [94](#), Zoning and Land Development, and the requirements of this chapter shall be in addition to any requirements imposed therein. Nothing contained in this chapter shall be construed to repeal or amend any existing provisions of this Code, except where such is specifically required.

CHAPTER 73 – SOIL REMOVAL

GENERAL REFERENCES

Stormwater ~~management~~ **Control** – See Ch. 57

CHAPTER 94 – ZONING AND LAND DEVELOPMENT

GENERAL REFERENCES

Stormwater ~~management~~ **Control** – See Ch. 57

§ 94-71.1 MO-3 Mountain Overlay Residence District.

§ 94-71.1 N. Compliance with Borough ordinances. All existing Borough ordinances, including but not limited to Chapter [57](#), Stormwater ~~Management~~ **Control**, Chapter [61](#), Numbering of Buildings, Chapter [73](#), Soil Removal, Chapter [83](#), Trees, Chapter [47](#), Garbage, Rubbish, and Refuse, and Chapter [75](#), Streets and Sidewalks, shall apply. However, Chapter [75](#), Article [VII](#), entitled "Street Construction Standards," does not apply to private roads. Additionally, Chapter [83](#), entitled "Trees," only applies to trees located within the public right-of-way, a public highway, or public place.

RESOLUTIONS

Motion made by Noone and seconded by Duchemin to adopt Resolutions 2021-36,42,43,44,45,48,49,52,53 and 54.

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2021-36

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 20, 2020 to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$334.00 for taxes or other municipal liens assessed for the year 2019 in the name of Butterfield, Warren as supposed owner, and in said assessment and sale were described as 21 Fisher Ave. Block 84 Lot 34, which sale was evidenced by Certificate #20-00035; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-9-21 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic

Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Cap 8 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$875.41 which is the amount necessary to redeem Tax Sale Certificate #20-00035.

NOW THEREFORE BE IT RESOLVED, on this 2nd day of March 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,975.41** (This amount consists of \$875.41 Certificate Amount redeemed + \$1,100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 84 Lot 34 from the tax office records.

RESOLUTION 2021-42

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to FIG CUST FIGNJ19 LLC, P.O. Box 54226, New Orleans, LA 70154, in the amount of \$501.18 for taxes or other municipal liens assessed for the year 2019 in the name of Wydner, Jeffrey/Averett, Jennifer as supposed owners, and in said assessment and sale were described as 47 E. Stewart St., Block 28.02 Lot 2, which sale was evidenced by Certificate #20-00022 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-26-21 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FIG CUST FIGNJ19 LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,199.27 which is the amount necessary to redeem Tax Sale Certificate #20-00022.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG CUST FIGNJ19 LLC, P.O. Box 54226, New Orleans, LA 70154 in the amount of **\$2,699.27** (This consists of \$1,199.27 Certificate Amount redeemed + \$1,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 28.02 Lot 2 from the tax office records.

RESOLUTION 2021-43

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to FIG CUST FIGNJ19 LLC, P.O. Box 54226, New Orleans, LA 70154, in the amount of \$581.01 for taxes or other municipal liens assessed for the year 2019 in the name of Ryan, Russell as supposed owner, and in said assessment and sale

were described as 115 Harding Dr., Block 71 Lot 7, which sale was evidenced by Certificate #20-00031 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-26-21 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FIG CUST FIGNJ19 LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,268.49 which is the amount necessary to redeem Tax Sale Certificate #20-00031.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG CUST FIGNJ19 LLC, P.O. Box 54226, New Orleans, LA 70154 in the amount of **\$2,768.49** (This consists of \$1,268.49 Certificate Amount redeemed + \$1,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 71 Lot 7 from the tax office records.

RESOLUTION 2021-44

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to FIG CUST FIGNJ19 LLC, P.O. Box 54226, New Orleans, LA 70154, in the amount of \$501.18 for taxes or other municipal liens assessed for the year 2019 in the name of Dalupang, Sherlyne & Wilfredo as supposed owners, and in said assessment and sale were described as 10 Lenape Trail, Block 101.01 Lot 32, which sale was evidenced by Certificate #20-00042 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-26-21 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FIG CUST FIGNJ19 LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,199.27 which is the amount necessary to redeem Tax Sale Certificate #20-00042.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG CUST FIGNJ19 LLC, P.O. Box 54226, New Orleans, LA 70154 in the amount of **\$2,699.27** (This consists of \$1,199.27 Certificate Amount redeemed + \$1,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101.01 Lot 32 from the tax office records.

RESOLUTION 2021-45

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$174.09 for taxes or other municipal liens assessed for the year 2019 in the name of Joyce, Patrick M. & Beth Ann as supposed owners, and in said assessment and sale were described as 150 Van Buren St. Block 59 Lot 6, which sale was evidenced by Certificate #20-00029; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-16-21 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Cap 8 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$710.24 which is the amount necessary to redeem Tax Sale Certificate #20-00029.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,410.24** (This amount consists of \$710.24 Certificate Amount redeemed + \$700.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 59 Lot 6 from the tax office records.

RESOLUTION 2021-48

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$501.09 for taxes or other municipal liens assessed for the year 2015 in the name of Thomas, Anthony J. & Stefania A. as supposed owners, and in said assessment and sale were described as 41 Youmans Ave., Block 94 Lot 32, which sale was evidenced by certificate #16-00067 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-9-21 and before the right to redeem was cut off, as provided by law, Stefania Thomas claiming to have an interest in said lands, did redeem said lands claimed by Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$4,905.58 which is the amount necessary to redeem Tax Sale Certificate #16-00067.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$4,905.58** (This consists of \$4,905.58 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 32 from the tax office records.

RESOLUTION 2021-49

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to Bala Partners LLC, PO Box 303, Pottersville, NJ 07979, in the amount of \$20,330.14 for taxes or other municipal liens assessed for the year 2018 in the name of Godfrey, Mark R. as supposed owner, and in said assessment and sale were described as 51A-51B Railroad Ave., Block 79 Lot 16, which sale was evidenced by certificate #19-00025 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-11-21 and before the right to redeem was cut off, as provided by law, Mark Godfrey claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$42,322.56 which is the amount necessary to redeem Tax Sale Certificate #19-00025.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, PO Box 303, Pottersville, NJ 07979 in the amount of **\$44,322.56** (This consists of \$42,322.56 Certificate Amount redeemed + \$2,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 79 Lot 16 from the tax office records.

RESOLUTION 2021-52

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to Bala Partners LLC, PO Box 303, Pottersville, NJ 07979, in the amount of \$5,301.92 for taxes or other municipal liens assessed for the year 2018 in the name of 41-43 Washington Partners, LLC as supposed owner, and in said assessment and sale were described as 41-43 West Washington Ave., Block 95 Lot 1, which sale was evidenced by certificate #19-00035 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-11-21 and before the right to redeem was cut off, as provided by law, Ray Rice claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$39,486.94 which is the amount necessary to redeem Tax Sale Certificate #19-00035.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, PO Box 303, Pottersville, NJ 07979 in the amount of **\$39,486.94** (This consists of \$39,486.94 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 95 Lot 1 from the tax office records.

RESOLUTION 2021-53

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 20, 2020 to Bala Partners LLC, PO Box 303, Pottersville, NJ 07979, in the amount of \$13,364.51 for taxes or other municipal liens assessed for the year 2019 in the name of Jade Partners Washington LLC as supposed owner, and in said assessment and sale were described as 27 West Washington Ave., Block 95 Lot 4, which sale was evidenced by certificate #20-00036 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-11-21 and before the right to redeem was cut off, as provided by law, Ray Rice claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$29,991.98 which is the amount necessary to redeem Tax Sale Certificate #20-00036.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, PO Box 303, Pottersville, NJ 07979 in the amount of **\$29,991.98** (This consists of \$29,991.98 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 95 Lot 4 from the tax office records.

RESOLUTION 2021-54

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to Bala Partners LLC, PO Box 303, Pottersville, NJ 07979, in the amount of \$2,083.51 for taxes or other municipal liens assessed for the year 2018 in the name of Jade Washington, LLC as supposed owner, and in said assessment and sale were described as 12 South Lincoln Ave., Block 95 Lot 31, which sale was evidenced by certificate #19-00037 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-11-21 and before the right to redeem was cut off, as provided by law, Ray Rice claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$14,667.47 which is the amount necessary to redeem Tax Sale Certificate #19-00037.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, PO Box 303, Pottersville, NJ 07979 in the amount of **\$14,667.47** (This consists of \$14,667.47 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 95 Lot

31 from the tax office records.

Motion made by Cox and seconded by Noone to adopt Resolution 2021-37

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2021-37
A RESOLUTION TO REFUND OVERPAYMENT
ON 2018 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,646.36 on 2021 1st Quarter Regular Taxes paid on property located at 43 ½ Carlton Avenue, also known as Block 16 Lot 8, and in the name of Whyte, Eileis; and

WHEREAS, Raritan Valley Title Examiners LLC and Corelogic Tax Service had both paid the 1st Quarter 2021 property taxes, resulting in the overpayment when the property changed ownership; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Corelogic Tax Service that the overpayment be refunded to them in order to forward the funds to Eileis Whyte.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,646.36 payable to:

Corelogic
Centralized Refunds
P.O. Box 9202
Coppell, TX 75019-9760

Motion made by Noone and seconded by Cox to adopt Resolution 2021-38

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2021 -38
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	REASON/ADJUSTMENT
98/8.01	Dennis Belcher 13 Cornish Street Washington, NJ 07882	Change in Use (.5) to (2) E.D.U.'s Effective: March 2021

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Motion made by Cox and seconded by Noone to adopt Resolution 2021-39

Roll Call: Conry, Cox, Duchemin, Noone and Norris.
Ayes: 5 Nays: 0
Motion passes.

RESOLUTION 2021-39

A RESOLUTION OF THE BOROUGH OF WASHINGTON REIMBURSING THE WASHINGTON BOROUGH YOUTH ASSOCIATION FOR CERTAIN STARTUP COSTS

WHEREAS, the Washington Borough Youth Association, hereinafter "WBYA" was officially incorporated as a 501(c)3 non-profit corporation as of December, 1, 2020; and

WHEREAS, the Borough Council of the Borough of Washington has agreed to reimburse the WBYA for certain startup costs associated with establishing the organization including but not limited to legal fees, accounting fees and insurance; and

WHEREAS, the WBYA has provided invoices for the aforesaid expenses totaling **FIVE THOUSAND THREE HUNDRED EIGHT DOLLARS AND TWENTY-FIVE CENTS (\$5,308.25)**; and

WHEREAS, the Borough Council of the Borough of Washington has deemed these expenses acceptable and necessary;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Washington that the aforesaid expenses, the documentation of which is made a part hereof and attached hereto, are hereby authorized for reimbursement.

Motion made by Cox and seconded by Duchemin to adopt Resolutions 2021-40 & 41

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2021-40

A RESOLUTION TO VOID CHECK

WHEREAS, check #7636 was written 4/22/20 on the Washington Borough's Recreation Account in the amount of \$35.00 and made payable to Jamie Jones 77 West Warren Street, Washington, NJ 07882 and

WHEREAS, check #7648 was written 4/22/20 on the Washington Borough's Recreation Account in the amount of \$70.00 and made payable to Ross Moody 9 Alvin Sloan Avenue, Washington, NJ 07882 and

WHEREAS, check #7659 was written 6/17/20 on the Washington Borough's Recreation Account in the amount of \$70.00 and made payable to Glenn Wilkinson 49 Port Murray Road, Port Murray, NJ 07865 and

WHEREAS, the Treasurer's office was made aware that these checks were issued and was not cashed therefore these checks have become stale dated and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Treasurer to void the aforementioned checks.

**RESOLUTION 2021-41
A RESOLUTION TO VOID CHECK**

WHEREAS, check #7675 was written 12/16/20 on the Washington Borough’s Recreation Account in the amount of \$128.94 and made payable to ARF Rental Services 43 Corbin Drive, Darien , CT 06820 and

WHEREAS, the Treasurer’s office was made aware that this check was issued and was not received and requested the check be replaced and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Treasurer to void the aforementioned checks.

Motion made by Cox and seconded by Noone to adopt Resolution 2021-46

Roll Call: Conry, Cox, Duchemin, Noone and Norris.
Ayes: 5 Nays: 0
Motion passes.

RESOLUTION 2021-46
A RESOLUTION AUTHORIZING THE TRANSFER OF RESERVE APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made by not less the 2/3 vote of the full membership of the governing body from unexpended balances which are expected to be sufficient to accounts with insufficient appropriation balances during the first three months of the succeeding year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following appropriation transfers are hereby approved:

<u>Transfer From:</u>	<u>Transfer To:</u>	<u>Amount:</u>
General Administration	Solid Waste Disposal	
Other Expenses \$7,500.00	Other Expenses	\$7000.00
	Natural Gas	
	Other Expenses	\$500.00

Motion made by Duchemin and seconded by Cox to adopt Resolution 2021-47

Roll Call: Conry, Cox, Duchemin, Noone and Norris.
Ayes: 5 Nays: 0
Motion passes.

RESOLUTION 2021-47

**A RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY
APPROPRIATIONS FOR CURRENT FUND**

WHEREAS, there will be a delay in the adoption of the 2021
Borough of Washington, County of Warren, New Jersey, Local Municipal Budget; and

WHEREAS, a temporary budget in the amount of 26.25% of the total appropriations in the 2020
budget, exclusive of any appropriations made for interest and debt redemption charges, capital
improvement fund and public assistance was adopted in January 2021; and

WHEREAS, if additional funds are not budgeted the public welfare will be adversely affected;
and

WHEREAS, it is the recommendation of the Chief Financial Officer this emergency temporary
appropriation be authorized

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of
Washington, County of Warren, New Jersey, that in accordance with N.J.S.A. 40A:4-20, an
emergency temporary appropriation be and same is hereby made for in the amount of
\$1,511,793.25 and that said emergency temporary appropriation shall be provided in full in the
2021 budget.

Motion made by Noone and seconded by Cox to adopt Resolution 2021-50

Roll Call: Conry, Cox, Duchemin, Noone and Norris.
Ayes: 5 Nays: 0
Motion passes.

**BOROUGH OF WASHINGTON
RESOLUTION 2021-50**

**A RESOLUTION OF AWARD FOR RESURFACING OF SOUTH
LINCOLN AVENUE SECTION 1**

WHEREAS, the Washington Borough Council, made application and was subsequently awarded,
by the State of New Jersey, an NJDOT Local Aid Grant (FY2019) to resurface South Lincoln
Avenue, between Route 57 and Hann Terrace in the total amount of \$84,000; and

WHEREAS, the Borough Engineer prepared the necessary bid and construction documents for said improvements as approved by the NJDOT and certain construction items and materials will be awarded through the Morris County Cooperative Pricing Council;

NOW, THEREFORE, BE IT RESOLVED that on March 16, 2021, the Borough Council of the Borough of Washington adopted this resolution to award unit bid prices for individual construction items to perform work necessary for the RESURFACING OF SOUTH LINCOLN AVENUE SECTION 1 as follows;

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Washington does hereby award unit prices for individual construction items based unit prices as awarded under the individual contracts awarded by the Morris County Cooperative Pricing Council bidding process with a total cost of \$36,735.00. The award is made to the Morris County Cooperative Pricing Council vendor, Schifano Construction Corporation, which included the following items and unit prices:

ITEM NO.	DESCRIPTION	UNIT QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Milling 5" Thick	1200	SY	\$4.25	\$ 5,100.00
2	Hot Mix Asphalt (HMA) 9.5M64, Surface Course, 2" Thk.	180	TN	\$69.00	\$12,420.00
3	Hot Mix Asphalt (HMA) 19M64, Base Course, 3" Thk.	270	TN	\$63.00	\$17,010.00
4	(HMA) 19M64 Estimated Asphalt Price Adjustment	450	TN	\$4.90	\$2,205.00
				TOTAL	\$36,735.00

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Washington does hereby award unit prices for individual construction items based unit prices as awarded under the individual contracts awarded by the Morris County Cooperative Pricing Council bidding process with a total cost of \$5,000. The award is made to the Morris County Cooperative Pricing Council vendor, Cifelli & Son General Contracting, Inc., which included the following items and unit prices:

ITEM NO.	DESCRIPTION	UNIT QUANTITY	UNIT	UNIT PRICE	TOTAL
5	9"x18" Concrete Vertical	250	LF	\$20.00	\$5,000.00
				TOTAL	\$5,000.00

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Washington does hereby award unit prices for individual construction items based unit prices as awarded under the individual contracts awarded by the Morris County Cooperative Pricing Council bidding process with a total cost of \$3,280. The award is made to the Morris County Cooperative Pricing Council vendor, Campbell Foundry Company, which included the following items and unit prices:

ITEM NO.	DESCRIPTION	UNIT QUANTITY	UNIT	UNIT PRICE	TOTAL
6	Curb Catch Basin, Type B	5	UN	\$656.00	\$3,280.00
				TOTAL	\$3,280.00

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Washington does hereby award unit prices for individual construction items based unit prices as awarded under the individual contracts awarded by the Morris County Cooperative Pricing Council bidding process with a total cost of \$203.40. The award is made to the Morris County Cooperative Pricing Council vendor, Denville Line Painting, Inc, which included the following items and unit prices:

ITEM NO.	DESCRIPTION	UNIT QUANTITY	UNIT	UNIT PRICE	TOTAL
7	4" Yellow Traffic Stripes, LONGLIFE EPOXY method	210	LF	\$0.29	\$60.90
8	Traffic Marking, Thermoplastic method	30	SF	\$4.75	\$142.50
				TOTAL	\$203.40

Motion made by Cox and seconded by Duchemin to adopt Resolution 2021-51

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2021-51

**A RESOLUTION AUTHORIZING THE ADJUSTMENT OF
A BOROUGH'S SEWER SERVICE CHARGE
DUE TO DISCONNECTION FROM THE SEWER SYSTEM**

WHEREAS, according to the Treasurer's records, borough properties located at 113 South Lincoln Avenue was disconnected from the Washington Borough Sewer system on February 22, 2021 and;

WHEREAS, the quarterly sewer invoice was being billed without interruption for the 2021 billing cycle and;

WHEREAS, the Borough Treasurer's office has received a written notification from Sewer Plant Manager, Kevin Shoudt that the sewer lines were capped off. It was confirmed that the property at 113 South Lincoln Avenue was disconnected from the Washington Borough Sewer system. The home was demolished and the sewer billing account will become inactive.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to adjust the sewer account #2216-1 with a zero balance which reflects the amount due at the time the sewer connection was capped.

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>FINAL BAL. AFTER CAP</u>
100/63	JCP&L 113 South Lincoln Avenue	\$ 0.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to adjust sewer balance on the above property location.

Motion made by Cox and seconded by Duchemin to adopt Resolution 2021-55

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2021-55

**A RESOLUTION ESTABLISHING A SPECIAL PERIOD FOR FIRST QUARTER
SOLID WASTE BILLS IN THE BOROUGH OF WASHINGTON**

WHEREAS, the printing and mailing of tax bills has been delayed beyond the customary date of January 31st; and

WHEREAS, utility fees are due and payable March 1st, June 1st, September 1st, and December 1st; and

WHEREAS, the Borough of Washington has historically given its ratepayers a grace period of 10 days for each payment period.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the first quarter installment of solid waste bills shall not be subject to interest until after April 15th, 2021 the additional interest-free period authorized pursuant to R.S. 54:4-67. Any payment received on April 16th, 2021 will be subject to interest charged back to the statutory date of March 1st, 2021.

Motion made by Noone and seconded by Duchemin to adopt Resolution 2021-56

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2021-56

**RESOLUTION AUTHORIZING A SHARED SERVICE FOR
USE OF WARREN COUNTY ROAD DEPARTMENT EQUIPMENT
AGREEMENT**

AGREEMENT, made this 17th day of March 2021 by and between the Borough of Washington,
New

Jersey 07882 and the County of Warren, hereinafter referred to as the "Agreement."

WITNESSETH:

WHEREAS, the Borough of Washington is desirous of sharing the utilization of various pieces of Warren County Road Department Equipment; and

WHEREAS, the County of Warren has furnished an agreement which is attached hereto and made a part hereof; and

WHEREAS, the Uniform Shared Services & Consolidation Act (N.J.S.A. 40A:65-1 et seq.) authorizes and empowers the Borough of Washington to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Washington shall enter into the aforementioned shared services agreement proposed by the County of Warren.

VOUCHERS AND CLAIMS

Motion made by Norris seconded by Cox to pay vouchers and claims.

Roll Call: Conry, Cox, Duchemin, Noone and Norris.

Ayes: 5 Nays: 0

Motion passes.

REPORTS

Cannabis Committee

Councilwoman Duchemin highlighted the meeting minutes. Discussions ensued regarding what options are available for the Borough to take action on. A public forum will be scheduled in the future.

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- Inquired about available data for savings potential for garbage utility.
- Inquired about getting the alley behind his house changed to one way, citing increased speeders and traffic.

Councilwoman Cox gave the following remarks:

- Reported on staying with residents in the emergency shelter during the collapse and helping out any way she could.
- Inquired about a garbage truck not sounding right and seemed to be bucking.

Councilwoman Duchemin gave the following remarks:

- Echoed what everyone has said so far on the building collapse and added that she was glad no one was hurt.
- Offered condolences to the Post family.
- Hope that everyone has a nice St. Patty's Day.
- Stated she hopes everyone is getting their vaccines and added that Warren County puts out new dates every Tuesday for appointments.

Councilwoman Noone gave the following remarks:

- Thanked the Fire Department and first responders with regard to the building collapse.
- Thanked Councilwoman Cox for her assistance in the emergency shelter at the municipal building.
- Thanked Norris on taking her spot on the Scenic Byway Committee.
- Looking forward to a lot of good events come Spring.

Deputy Mayor Conry gave the following remarks:

- Thanked all those that helped with the collapse and thanked Councilwoman Cox for helping the residents and was glad that no one was hurt.
- Thanked Mel Thiel for finding a new location for Frantoni's

Motion made by Conry and seconded by Cox to adjourn meeting at 8:23 P.M.

Ayes: 5: Nays: 0

Motion Carried.

Laurie Barton
Borough Clerk